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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,478	03/26/2004	William M. Brown	18525-0817	1082
28524 7590 01/05/2010 SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830				
EXAMINER CAO, DIEM K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/811,478

Applicant(s)

BROWN ET AL.

Examiner

DIEM K. CAO

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-18 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-18 and 20-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1, 2, 5-18 and 20-22 are pending. Applicant has amended claims 1, 13 and 18.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-2, 5-12, 18, 20-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites "wherein the foregoing steps are carried out by the user with a computer programmed to perform the recited steps". However, the specification does not support the steps "displaying a description ... standards", and "displaying a reporting screen ... predetermined standards" as being carried out by a user.

Claim 18 suffers the same problem as claim 1 above.

Claims 2, 5-12 and 20-22 depend from claims 1 and 18 above, therefore, suffer the same problem as claims 1 and 18 above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 5-18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh (U.S. 2002/0147620 A1) in view of Davies et al. (U.S. 2003/0033191 A1).**

As to claim 1, Walsh teaches a method for computer-implemented management of a project using project management software (a Software Quality Assurance Management System ... provide SQA program analysis and reports ... for a process; page 2, paragraphs [0031]-[0032] and [0026]), which project is defined by a series of development activities (activities; page 4, paragraph [0053]), and wherein the project must be evaluated by one or more predetermined standards (The architecture ... CMM ... ISO 9000 and/or TL 9000; page 3, paragraph [0042]), each of which standard defines a set of quality assurance steps in order to achieve compliance with the standard for each activity (the SQA Management System ... forms; page 3, paragraph [0043] and page 4, paragraphs [0054]-[0056]), comprising the steps of:

selecting one of the development activities (The audited activities are performed at the scheduled times; page 4, paragraphs [0053] and Once a particular SQA activity has been accomplished ... in the system; page 4, paragraph [0054] and control returns to the step 106 for processing the next planned activity; page 4, paragraph [0056]);

display a description of what a user should do for each activity for each quality assurance step to comply with one of the predetermined standards (the SQA Engineer records (via an activity form displayed on the client computer 12), in step 106, the completed activity in the system 20. Information regarding the activity name, the date the activity was performed, and/or notes about the activity are captured in the activity form; page 4, paragraph [0054]), wherein the display description comprises composite instructions meeting two or more predetermined standards (the SQA Management System 20 may also be configured to ... for ISO 9000 and/or TL 9000; page 3, paragraph [0042]).

displaying a reporting screen containing reporting instructions for selected development activity, which instructions relate to compliance with the quality assurance steps for that activity according to at least one of the standards (a finding form displayed on the client computer, observation form; page 4, paragraphs [0054]-[0055] and page 3, paragraph [0042]);

inputting reporting information concerning the selected development phase (the SQA engineer enters ... in the system in the system 20; page 4, paragraphs [0054]-[0055]); and

saving the reported information concerning the selected development phase (documenting the finding in the database; page 6, claim 1, lines 8-9 and documenting the observation in the database; page 6, claim 2, lines 5-6 and the system is used to plan ... record and track findings and observations, and provide SQA program analysis and reports; page 2, paragraph [0031] and page 3, databases; page 3, paragraph [0037]),

wherein the step of selecting one of the development activities, inputting reporting information and saving the reported information are carried out by the user with a computer programmed to perform the recited steps (page 3, paragraph [0035]).

Walsh does not explicitly teach the project is defined by a series of development phases, each phase must be evaluated, selecting a user role, and displaying a description of what a user having that role should do during the selected phase.

However, Davies teaches the project is defined by a series of development phases, and each phase must be evaluated (Each Lifecycle can be broken down into large blocks of work that are called Phases; page 6, paragraphs [0115]-[0120] and Gate Reviews occur at the end of Phases in a Program Lifecycle and are used to determine whether the Program has met the criteria necessary to pass to the next Phase of the Lifecycle; page 17, paragraph [0301]), selecting a user role, and displaying a description of what a user having that role should do during the selected phase for each quality assurance step to comply with one of the predetermined standards (Each Phase can include a Gate Review; an evaluation ... is made; page 6, paragraph [0120], Each Lifecycle has a set of Roles ... skills; page 6, paragraph [0122], and User Roles ... Quality Assurance ... each type has an associated set of permissions that determine what the user can see and do within the application; page 8, paragraphs [0140]-[0141] and A program manager ... in a Gate review; page 7, paragraph [0147], and the Role Assignment Process; page 10, paragraph [0163], and Gate Reviews; pages 11-12; paragraphs [0182]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Davies to the system of Walsh because Davies teaches a networked-enabled development software engine that assists users and managers at all levels of an enterprise coordinate and keep track of progress and status of development activities (page 2, paragraph [0015]).

As to claim 2, Walsh teaches wherein the instructions ask if one or more documents relating to compliance with one or more of the quality assurance steps for that phase were completed (The SQA auditing activities may include reviewing aspects of various work products for a process (e.g., quality records, design documents, and requirements documents; page 2, paragraph [0032] and page 5, paragraphs [0054]-[0056]).

As to claim 5, Walsh teaches wherein the predetermined standards comprise ISO and CMM standards (CMM, ISO; page 3, paragraph [0042]).

As to claim 6, Walsh teaches wherein saving the reporting information comprises emailing the reporting information to a quality assurance entity (The system 20 sends notification ... to the audited organization via the client computer system. The system automatically transmits the notification from the auditing entity to the organization through the network 14 via an email; page 4, paragraph [0057]).

As to claim 7, Walsh teaches wherein saving the reporting information comprises saving a copy of the reporting information to a data storage medium (documenting the finding in the database; page 6, claim 1, lines 8-9 and documenting the observation in the database; page 6, claim 2, lines 5-6).

As to claim 8, Walsh as modified by Davies teaches wherein the description lists one or more documents required to be completed to satisfy a quality assurance step for the selected

development phase (see Walsh: activity form, a finding form displayed on the client computer, observation form; page 4, paragraphs [0054]-[0055] and page 3, paragraph [0042]).

As to claim 9, Walsh teaches wherein the listed document comprises a hyperlink to the required form (the user at the client computer system 12 ... web browsers; page 2, paragraph [0025]).

As to claim 10, Walsh as modified does not explicitly teach wherein the displayed description comprises a table having separate entries for each of planning activities preceding the project phase, phase inputs, phase outputs, peer reviews, verification results, validation results, and procedures for handling changes made during the phase. However, Walsh teaches the displayed description includes information for each of planning activities preceding the project phase, phase inputs, phase outputs, peer reviews, verification results, validation results, and procedures for handling changes made during the phase (see Walsh: page 4, paragraphs [0052], [0054, and page 5, paragraphs [0063] and [0069]). It would have been obvious to one of ordinary skill in the art that the information displayed in the system of Walsh could be displayed as a table that having separate entries because displaying information as tables or different manners is just different design.

As to claim 11, Walsh teaches maintaining as a data file stored on a data storage medium a file containing target completion dates for each phase of the project (the database component 32 is ... dynamic content; page 3, paragraph [0037]), and displaying graphically the phases

completed, phases not completed and past target completion date, and phases not yet completed not yet past target completion date (page 3, paragraphs [0036],[0038]-[0039], and page 5, paragraphs [0069]-[0071]).

As to claim 12, Walsh teaches wherein users at different locations access the project management software through a network (The client computer system ... for communicating with the server computer system 16 via the network; page 2, paragraph [0025] and the server computer 15 ... is operable to provide the client computer systems 12 with a software quality assurance management service; page 2, paragraph [0028]).

As to claim 13 Walsh teaches a computer-implemented system for management of a project (a Software Quality Assurance Management System ... provide SQA program analysis and reports ... for a process; page 2, paragraphs [0031]-[0032] and [0026]), which project is defined by a series of development activities (activities; page 4, paragraph [0053]), and wherein the project must be evaluated by one or more predetermined standards (The architecture ... CMM ... ISO 9000 and/or TL 9000; page 3, paragraph [0042]), each of which standard defines a set of quality assurance steps in order to achieve compliance with the standard for each activity (the SQA Management System ... forms; page 3, paragraph [0043] and page 4, paragraphs [0054]-[0056]), comprising the steps of:

- a host computer (the server computer system 16; see Fig. 1);

- a database stored on data storage media accessible to the host computer (two database servers; page 3, paragraph [0037]), the database having discrete records containing information

concerning state of completion of the project (One database server is used to store documents and other database server is used to store data ... dynamic content; page 3, paragraph [0037] and the SQA Engineer records the completed activity in the system; page 4, paragraph [0054] and [0059]);

and project management software executable on the host computer (page 3, paragraph [0034]) having program logic for selecting one of the development activities (The audited activities are performed at the scheduled times; page 4, paragraphs [0053] and Once a particular SQA activity has been accomplished ... in the system; page 4, paragraph [0054] and control returns to the step 106 for processing the next planned activity; page 4, paragraph [0056]);

displaying a reporting screen containing user reporting instructions for selected development activity, which instructions relate to compliance with the quality assurance steps for that activity according to the standards (a finding form displayed on the client computer, observation form; page 4, paragraphs [0054]-[0055] and page 3, paragraph [0042]), wherein the user instructions comprise composite instructions meeting two or more predetermined standards (the SQA Management System 20 may also be configured to ... for ISO 9000 and/or TL 9000; page 3, paragraph [0042]);

inputting reporting information concerning the selected development phase (the SQA engineer enters ...in the system in the system 20; page 4, paragraphs [0054]-[0055]); and

saving the reported information concerning the selected development phase (documenting the finding in the database; page 6, claim 1, lines 8-9 and documenting the observation in the database; page 6, claim 2, lines 5-6 and the system is used to plan ... record

and track findings and observations, and provide SQA program analysis and reports; page 2, paragraph [0031] and page 3, databases; page 3, paragraph [0037]).

Walsh does not explicitly teach the project is defined by a series of development phases, each phase must be evaluated.

However, Davies teaches the project is defined by a series of development phases, and each phase must be evaluated (Each Lifecycle can be broken down into large blocks of work that are called Phases; page 6, paragraphs [0115]-[0120] and Gate Reviews occur at the end of Phases in a Program Lifecycle and are used to determine whether the Program has met the criteria necessary to pass to the next Phase of the Lifecycle; page 17, paragraph [0301])

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Davies to the system of Walsh because Davies teaches a networked-enabled development software engine that assists users and managers at all levels of an enterprise coordinate and keep track of progress and status of development activities (page 2, paragraph [0015]).

As to claim 14, Walsh wherein the project management software includes a network interface whereby users can remote access the project management software through a network (The client computer system ... for communicating with the server computer system 16 via the network; page 2, paragraph [0025] and the server computer 15 ... is operable to provide the client computer systems 12 with a software quality assurance management service; page 2, paragraph [0028]).

As to claim 15, Walsh teaches wherein user screens for entering and displaying information with the project management software are accessible as html pages (web browsers; page 2, paragraph [0026] and forms; page 4, paragraph [0054]-[0055]).

As to claim 16, Walsh as modified by Davies teaches wherein the database comprises milestone file of indicators, which keep track of completion of development phases (see Walsh: One database server is used to store documents and other database server is used to store data ... dynamic content; page 3, paragraph [0037] and the SQA Engineer records the completed activity in the system; page 4, paragraph [0054] and [0059]).

As to claim 17, see rejection of claim 11 above.

As to claim 18, see rejections of claims 1 and 8 above.

As to claim 20, see rejection of claim 10 above.

As to claim 21, Walsh teaches wherein the step of displaying a reporting screen, the instructions relate to compliance with the quality assurance steps for that phase according to two of the standards (the SQA Management System 20 may also be configured to ... for ISO 9000 and/or TL 9000; page 3, paragraph [0042]).

As to claim 22, Walsh teaches the project is a software engineering project (page 4, paragraphs [0052]-[0053]).

Response to Arguments

6. Applicant's arguments filed 8/31/2009 have been fully considered but they are not persuasive.

In the remarks, applicant argued in substance that (1) Walsh does not teach the claim's limitations since Walsh is directed to an auditing method, it does not simply evaluate according to standard, rather it provides instructions to the user as to how to enter information needed to meet the standard, and most of the steps are not met by the Walsh reference, (2) there is no reason to apply the teaching of Davies to the system of Walsh since one is an auditing system, and the other plans product development.

Examiner respectfully disagrees with the arguments:

- As to the point (1), it seems the Applicant fails to review the reference of Walsh carefully when argued that the reference of Walsh is directed to an auditing method. First, the reference of Walsh is directed to the field of software quality assurance (page 1, paragraph [0001]), the Software Quality Assurance Management System provides a mechanism for the implementation and management of SQA program for auditing a process at an organization. The system is used to plan and document SQA activities, record and track findings and observations, and provide SQA program analysis and reports (page 2, paragraph [0031]), the activities includes reviewing design documents, and requirements documents. Second, Applicant failed to give any reason why the cited passages do not teach the claim limitations. Third, the rejection recites

"Walsh does not explicitly teach the project is defined by a series of development phases, each phase must be evaluated, selecting a user role, and displaying a description of what a user having that role should do during the selected phase", not most of the step as asserted by Applicant. Therefore, the arguments are not persuasive.

- As to the point (2), in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reference of Walsh is directed to the field of software quality assurance by reviewing each step of the project, and the reference of Davies is directed to a project development, wherein the project is defined by a series of development phases, and each phase must be evaluated to conform to the standard. It would have been obvious to one of ordinary skill in the art to apply the teaching of Walsh and Davies because both are in the same field of art.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEM K. CAO whose telephone number is (571)272-3760. The examiner can normally be reached on Monday - Friday, 7:30AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DIEM K CAO/
Primary Examiner
Art Unit 2194

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